

REMARKS

The Office Action dated November 24, 2004 has been carefully considered. By the present amendment claim 4 is amended and claim 7 is cancelled. Claims 4-6, 8-9 are pending in this application.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,789,616 to Kobayashi et al. ("Kobayashi"). The Applicant respectfully asserts that the invention as currently claimed would not be obvious to one of ordinary skill in the art in view of Kobayashi et al.

The invention as currently claimed recites the specific features of Zinc acrylate crystals having a long axis of not less than 5 μ m and an aspect ratio in the range of 1–30 and the solid disintegrating load of the crystals of not more than 1.0 kg/cm².

By selecting the crystals consistent with the features as currently claimed, secondary aggregation is repressed and the flowability necessary for excelling in collapsibleness can be easily secured. See Specification, page 5, lines 10 to 15. Claim 1 as currently amended now requires that the solid disintegrating load of the crystals is not more than 1.0 kg/cm².

The solid disintegrating load of the crystals signifies the ease of disintegration and depends on the shape of the crystal. Specifically, the solid disintegrating load of the crystals is inversely proportional to thickness (particle diameter) of zinc acrylate crystals. See Specification, Table 2, page 24. As shown in Fig. 4 of the specification, zinc acrylate crystals obtained by using toluene (comparative example 1) have thin crystal shape but those in Figs 2, 3 and 5 in accordance with the present invention are thicker. Claim 1 is amended to recite specific requirements for the disintegrating load to further distinguish the claims from Kobayashi et al.

As indicated in the Office Action, a zinc acrylate sample in which 90% of the particles will pass through a 1 mm sieve is exemplified in Fig. 3 of Kobayashi et al. The shape of the crystal in Kobayashi et al. however is different from the present invention. Comparative example 1 disclosed in the present specification corresponds to the crystals in Kobayashi et al. in that the examples are prepared using toluene as a solvent (Kobayashi et al. differs from the examples of the present invention in that anionic surfactant is used in Kobayashi et al.). By

comparing comparative example 1 and example 1 in the current specification, the difference of the solid disintegrating load between the crystals of Kobayashi et al. and the invention as currently claimed is illustrated. The solid disintegrating load of the crystals in example 1 is 0.2 kg/cm², but in comparative example 1 it is 1.7 kg/cm².

Because the solid disintegrating load of the crystals of examples of Kobayashi et al. have the same solid disintegrating load of the crystals in comparative example 1 of the present invention, and as the solid disintegrating load of the crystals is inversely proportional to the particle diameter of zinc acrylate crystals, the invention as currently claimed is further distinguished from Kobayashi et al. by this recited feature.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: February 23, 2005



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